

Federal Relations, Energy, and Telecommunications Committee
2011 House of Representatives

January/12/2011

To Chairman Harry Klock, Vice Chairman Keith Regier, Vice Chairman Robyn Driscoll and Committee Members: Carlie Bolland, Douglas Kary, James Knox, Austin Knudsen, Gary MacLaren, Mary McNally, Mike Menahan, Jesse O'Hara, Ken Peterson, Mike Phillips, Derek Skees, Sterling Small, and Wayne Stahl,

I oppose House Bill 198. Once we start down the road with this kind of customized response for a special interest with the intention to give them special status over all others in the preexisting law, we cease to be a government that balances the rights of self government for the greater good.

Is it the will of the people of Montana to sacrifice their constitutional right to uphold the equal protection afforded to them under their constitution? I say no. This bill has been drafted at the request of very specific interests groups to address a particular problem in their industry and provide a legislative remedy retroactively. That presents problems with Article V, Section 12. of the Montana Constitution **LOCAL AND SPECIAL LEGISLATION**. *The legislature shall not pass a special or local act when a general act is, or can be made, applicable.*

House Bill 198 is an assault on private property rights beholdng to the sway of politically and economically powerful out of state interests. Montana has been here before. Private property rights are fundamental, inalienable rights granted to all people under the present Montana Constitution and the use of the power of eminent domain should always remain a little used and very last resort when one interest in property challenges another.

Changing the law to give the power of condemnation to the Department of Environmental Quality is a circumvention of the peoples right of governing themselves as a free, sovereign, and independent state. The DEQ is an administrative agency, headed by a political appointee chosen by the sitting Governor at the time. A new power of condemnation will be given to an unaccountable group of civil servants who's job is analyzing projects for compliance under MEPA. Both political and institutional prejudices are highly likely to manipulate the procedures. The people of Montana do not directly vote for civil servants at the DEQ.

There is nothing faulty with the laws of eminent domain as they exist. We do not need to change the existing legislation of eminent domain power of the state, especially for a reason that appears to be a remedy that a corporation can address through the present law and the court system, as is intended.

Respectfully,



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